

DISCUSSION OF THE AMENDMENT

Due to the length of the specification herein, Applicants will cite to the paragraph number of the published patent application (PG Pub) of the present application, i.e., US 2008/0287606, when discussing the application description, both in this section and in the Remarks section, *infra*, rather than to page and line of the specification as filed.

Claim 8 has been amended by deleting the term “particle size of the starting compounds is adjusted prior to reaction” and by, in effect, incorporating the subject matter of Claim 10 therein and as supported in the specification at paragraph [0023].

Claims 3-7 and 12-18 have been amended to depend on Claim 8. Claim 6 has been further amended by inserting --number-average-- for polyols (b_1), as supported in the specification at paragraph [0042]. Claims 11 and 20 have been amended into independent form.

Claims 1, 2, 10 and 19 have been canceled.

No new matter is believed to have been added by the above amendment. Claims 3-9, 11-18 and 20 are now pending in the application.

REMARKS

The rejections of Claims 1-7 and 11-18 under 35 U.S.C. § 102(b) as anticipated by US 5,612,406 (Frings et al), with US 4,147,679 (Scriven et al) as evidence, and of Claims 1-7 and 12-18 under 35 U.S.C. § 103(a) as unpatentable over Frings et al, are respectfully traversed. Indeed, the rejection would now appear to be moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that this rejection be withdrawn.

The rejection of Claims 1-9, 11-18 and 20 under 35 U.S.C. § 112, second paragraph, as indefinite, is respectfully traversed. The Examiner finds that (A) it is unclear what the full scope of “miniemulsion” is intended to be, and (B) the term “molecular weight” in Claim 6 is unclear because it is not clear what type of average molecular weight it should be.

In reply, regarding (A), the rejection would now appear to be moot in view of the above-discussed amendment, which incorporates the subject of Claim 10, not subject to this rejection, into the remaining claims.

Regarding (B), the rejection would now also appear to be moot in view of the above-discussed amendment, which inserts a number-average molecular weight for polyols (b₁). Polyols (b₂) need no further definition because they are non-polymeric compounds which do not exhibit a polydispersity different from 1.

For all the above reasons, it is respectfully requested that this rejection be withdrawn.

The rejection of Claims 6 and 16-18 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement regarding the term “molecular weight” in Claim 6, is respectfully traversed. This rejection is similar to that in (B) of the second paragraph of 35 U.S.C. § 112 rejection, discussed above and would thus also now appear to be moot. Accordingly, it is respectfully requested that this rejection be withdrawn.

The rejection of Claims 1-20 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, regarding the term “particle size of the starting compounds is adjusted prior to reaction” is respectfully traversed.

In reply, the rejection would now appear to be moot in view of the above-discussed amendment, which deletes the above-quoted language and inserts a droplet particle size range of the starting compounds. Accordingly, it is respectfully requested that this rejection be withdrawn.

Applicants gratefully acknowledge the Examiner’s indication of allowability of the subject matter of Claims 8-11 and 19-20 provided the above-discussed rejections under 35 U.S.C. § 112, first and second paragraphs are overcome. The claims have been so amended. Applicants thus respectfully submit that all of the presently-pending claims in this application are in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

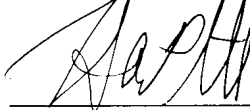
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